

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
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| SANDRA CORTES |) | |
| |) | |
| |) | |
| | Plaintiff, | |
| |) | |
| v. |) | C.A. No: 05-5684 |
| |) | |
| TRANS UNION, LLC |) | |
| |) | |
| | Defendant. | |
| |) | |

ANSWER OF DEFENDANT, TRANS UNION LLC

Trans Union LLC (“Trans Union”), Answers Plaintiff’s Complaint as follows:

I. Preliminary Statement

1. Trans Union denies violating the Fair Credit Reporting Act, 15 U.S.C. §1681 *et seq.* (the “FCRA”), or other law, as alleged in paragraph 1 of the Complaint.

II. Jurisdiction and Venue

2-3. Admits the allegations of paragraph 2-3 of the Complaint, except venue is more appropriate in the District of Colorado.

III. Parties

4. Admits the allegations of paragraph 4 of the Complaint.

5. Denies the allegations of paragraph 5 of the Complaint, except admits Trans Union conducts business in Philadelphia County, PA.

IV. Factual Allegations

6-23. Denies the allegations of paragraphs 6-23 of the Complaint, except admits Trans Union is a “consumer reporting agency” as defined by the FCRA.

V. CLAIMS

COUNTS ONE, TWO, THREE and FOUR

24-48. Repeats and realleges each and every response to paragraphs 1-23 of the Complaint as if set forth at length herein. Denies the allegations of Counts One, Two, Three and Four, paragraphs 24-48 of the Complaint.

VI. JURY TRIAL DEMAND

49. No responsive pleading required.

VII. PRAYER FOR RELIEF

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

FIRST DEFENSE

The complaint fails to state a claim for which relief may be granted.

SECOND DEFENSE

Defendant Trans Union has, at all material times with respect to plaintiff, acted in good faith and complied fully with the FCRA and relevant state laws.

THIRD DEFENSE

Based upon the averments upon which Plaintiff's claim is made, defendant Trans Union is immune from suit under the FCRA.

FOURTH DEFENSE

Any harm suffered by Plaintiff was not caused by any act or omission of defendant Trans Union.

FIFTH DEFENSE

Any harm suffered by Plaintiff was caused by Plaintiff's own conduct or the conduct of third parties over which Trans Union has no control or authority.

SIXTH DEFENSE

With respect to Plaintiff, Trans Union's conduct and the alleged communications were entirely privileged and/or true.

SEVENTH DEFENSE

Plaintiff's claims are barred by the doctrines of laches, unclean hands, waiver and estoppel.

EIGHTH DEFENSE

The claims contained in the complaint, which seek to recover punitive damages, violate the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States of America.

NINTH DEFENSE

Plaintiff's claims are barred by the applicable statutes of limitations

TENTH DEFENSE

Venue is more appropriate in the District of Colorado.

ELEVENTH DEFENSE

Trans Union reserves the right to raise additional defenses it learns through the course of discovery.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

Respectfully submitted,

KOGAN, TRICHON & WERTHEIMER, P.C.

/s/ Timothy P. Creech

TIMOTHY P. CREECH

1818 Market St., 30th Floor

Philadelphia, PA 19103

(215) 575-7618; Fax: (215) 575-7688

email: tcreech@mstkwx.com

*Counsel for Defendant,
Trans Union LLC*

DATED: November 29, 2005

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CERTIFICATE OF SERVICE

TIMOTHY P. CREECH, Esq., hereby certifies that he caused a true and correct copy of the foregoing Trans Union LLC's Answer to be sent on this date, *via* the Court's ECF Notice System, to the following:

Mark D. Mailman, Esquire
FRANCIS & MAILMAN, PC
Land Title Bldg, 19th Floor
100 S. Broad Street
Philadelphia, PA 19110
215-735-8600; Fax: 215-940-8000
Email: mmailman@consumerlawfirm.com
Counsel for Plaintiff

/s/ Timothy P. Creech
TIMOTHY P. CREECH

DATED: November 29, 2005